

Committee on the Application of Standards

Date: 20 May 2024

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.

► Information on the application of ratified Conventions supplied by governments on the list of individual cases

Kazakhstan

Labour Inspection Convention, 1947 (No. 81) (ratification: 2001)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 2001)

The Government has provided the following written information.

In accordance with the Laws of the Republic of Kazakhstan “On Ratification of the Convention concerning Labour Inspection in Industry and Commerce” (No. 81) and “On Ratification of the Convention concerning Labour Inspection in Agriculture” (No. 129), adopted in May 2001, labour inspection is mandated to be under the supervision and control of the Central Government. Since 1993, a State labour inspectorate has been operational in Kazakhstan, in line with these Conventions’ provisions. As per section 191 of the Republic of Kazakhstan’s Labour Code, State labour inspectors are tasked with enforcing compliance with labour legislation. This enforcement takes the form of inspection and preventive control, involving visits to the control subjects, as stipulated by the Entrepreneurship Code of the Republic of Kazakhstan. The inspections are carried out through on-site visits to the inspected entity in accordance with the approved checklist, which contains 38 items and fully covers the requirements of the labour legislation.

In 2023, the labour inspectorates conducted 6,927 on-site inspections of compliance with the labour legislation. It should be noted that 173 inspections were carried out on a scheduling order and 6,754 inspections were carried out on the basis of applications received. As a result of these inspections, 10,370 violations of labour legislation were identified, 4,369 orders to eliminate the identified violations were issued, and 2,401 administrative fines were imposed for a total of 401 million tenge. At the same time, since 2023, control subjects have failed to comply with 82 orders of labour inspectors in due time, including 63 in 2023 and 19 in 2024. In accordance with section 462.3 of the Code of Administrative Offences of the Republic of Kazakhstan, 31 administrative fines (2023) were imposed on control subjects for failure to comply with the instructions on the protocols of labour inspections by judicial authorities and 11 materials are under consideration in court (10 materials in 2024 and 1 material in 2023).

In the course of the performance of the duties imposed on State labour inspectors to comply with the labour legislation, there were facts of obstruction on the part of inspected entities in the conduct of inspection activities, expressed in the failure to provide the documents requested by inspectors. At the same time, in each case, the response measures stipulated by the legislation were taken, in the form of bringing the subject of control to administrative responsibility. Thus, in 2023, 56 cases of obstruction of State labour inspectors in the implementation of State control were identified. Administrative fines totalling 12.8 million tenge were imposed on these cases. In the first four months of 2024, 17 similar cases were identified, as a result of which employers were imposed administrative fines for the amount of 4 million tenge. Concurrently, since the beginning of 2023, there have been no cases of bringing State labour inspectors to disciplinary responsibility under paragraph 12 of Article 50 of the Law “On Civil Service of the Republic of Kazakhstan”. Meanwhile, the moratorium on inspections of microenterprises and small businesses ended on 1 January 2024. Since then, State labour inspectors have conducted 2,366 inspections nationwide, uncovering 3,144 violations. These inspections led to 1,409 instructions issued to employers and 1,780 administrative fines totalling 178 million tenge. As of 1 April 2024, there are 276 units of State labour inspectors in the staff of local labour inspection bodies.

It should be noted that the experts of the ILO in 2018 conducted an audit of the activities of the labour inspection of the Republic of Kazakhstan, which resulted in recommendations to strengthen the role of labour inspection by transferring them to the subordination of the central executive body. In this regard, a draft Law “On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Improvement of Safe Labour Conditions and Protection of Labour Rights of Employees” has been prepared within the framework of which the following issues are considered:

- transfer of State inspection from local executive bodies to the Ministry of Labour and Social Protection of the Population (MLSP);
- empowerment of State labour inspectors to conduct inspections without prior notice in the field of safety and labour protection at dangerous production facilities.

As of today, the proposal to transfer the State Labour Inspection from local executive bodies to the Ministry has been approved by the President of the Republic of Kazakhstan. The MLSP is carrying out preparatory work to establish a separate Committee of the State Labour Inspection with territorial subdivisions in the regions. A detailed action plan for the establishment of a State Labour Inspection Committee in the Ministry has been developed and is being implemented.

In compliance with Article 20 of Convention No. 81 and Article 26 of Convention No. 129, the MLSP is working on a comprehensive annual report on the work of labour inspections for 2023. This report will be submitted to the ILO as a mandatory requirement. Furthermore, the Ministry regularly prepares the National Review of Occupational Safety and Health in the Republic of Kazakhstan in the framework of cooperation with the Subregional Office for Eastern Europe and Central Asia of the ILO in accordance with the “Methodological Guidelines for Compilation of the National Review of Occupational Safety and Health”. The recent national review was published in 2023, which covers the years 2020–22, with statistical information. In addition to these efforts on an ongoing basis, the Ministry systematically publishes, in the media, information on the work of labour inspectorates in monitoring compliance with labour legislation.